

# Order

Michigan Supreme Court  
Lansing, Michigan

September 22, 2008

Clifford W. Taylor,  
Chief Justice

135272 & (18)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 135272  
COA: 280100  
Kent CC: 04-005983-FH

STEVEN MARK HARRIS,  
Defendant-Appellant.

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By order of April 23, 2008, the prosecuting attorney was directed to answer the application for leave to appeal the October 4, 2007 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the amended judgment of sentence entered on September 6, 2006, REMAND this case to the Kent Circuit Court, and direct that court to reinstate the original judgment of sentence entered on June 14, 2006. As the prosecution concedes, when the defendant was originally sentenced in this case, he had been discharged from parole by the Michigan Department of Corrections, such that the original judgment of sentence was valid. As the prosecution also concedes, the Kent Circuit Court therefore did not have the authority to later modify that valid original judgment of sentence. See MCR 6.429(A)(1); *People v Miles*, 454 Mich 90, 96 (1997). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



s0915

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 22, 2008

*Corbin R. Davis*

Clerk